

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES M. VOGEL,

Case No. 09-CV-1889 (PJS/RLE)

Plaintiff,

v.

ORDER ADOPTING
REPORT AND RECOMMENDATION

DEPT. OF CORRECTIONS, DIANE
GRINDE, AITKIN COUNTY JAIL,
SHERIFF SCOT TURNER, AITKIN
COUNTY ADMIN., and DEBRA
HAMILTON,

Defendants.

Based upon the Report and Recommendation of United States Magistrate Judge
Raymond L. Erickson, and after an independent review of the files, records and proceedings in
the above-entitled matter, **IT IS ORDERED:**

1. That the Plaintiff's Complaint [Docket No. 1] is dismissed, but without prejudice,
for failure to comply with this Court's Order dated August 4, 2009, and for failure to prosecute.
2. That the Plaintiff's Application to proceed in forma pauperis [Docket No. 2] is
denied, as moot.

Dated: October 11, 2009

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge